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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,871	07/15/2003	Terry W. Rogers	0485-01UA	7781
21704	7590	06/10/2005	EXAMINER	
LAW OFFICES OF ERIC KARICH 2807 ST. MARK DR. MANSFIELD, TX 76063			THOMAS, ALEXANDER S	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/619,871

Applicant(s)

ROGERS ET AL.

Examiner

Alexander Thomas

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-17 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 19 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/24/05.

### ***Claim Objections***

2. Claims 14-17 are objected to because of the following informalities: the spelling of the term "groove" in line 14 of claim 14 is incorrect. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al 5,928,756. See Figure 7. In view of the U-shaped structure on either surface of the grip 142, one surface can be said to have a groove thereon and the other surface has ridges thereon. The U-shaped surfaces can also be said to have ridges therein in view of fingers 148 or in view of the inwardly curved outer ends of the U-shaped portion (that is the U-shaped portion which also has ridge 75 therein) which may be considered ridges. Concerning the statements of intended use such as "for mechanically joining a skin ...", "for bonding to a surface ...", "for determining a bond-

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line thickness ...”, “determines the bond-line thickness”, etc. used throughout the claims, these statements do not patentably define over the prior art since they do not further structural define the claimed products. Regarding claim 13, this claim does not further define the structure of joining member because the skin is not part of the claimed joining member. Note that the phrase “for mechanically joining a skin to ...” in claim 1 makes it clear that the skin is not part of the claimed joining member.

5. Claims 1, 2, 4, 6-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman 5,134,812. See Figure 7. In view of the U-shaped structure on either surface of the connector 80, one surface can be said to have a groove thereon and the other surface has ridges thereon. The U-shaped surfaces can also be said to have ridges therein in view of lands 88. Concerning the statements of intended use such as “for mechanically joining a skin ...”, “for bonding to a surface ...”, “for determining a bond-line thickness ...”, “determines the bond-line thickness”, etc. used throughout the claims, these statements do not patentably define over the prior art since they do not further structural define the claimed products. Regarding claim 13, this claim does not further define the structure of joining member because the skin is not part of the claimed joining member. Note that the phrase “for mechanically joining a skin to ...” in claim 1 makes it clear that the skin is not part of the claimed joining member.

***Allowable Subject Matter***

6. Claims 14-17 are allowed.

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7. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ALEXANDER S. THOMAS  
PRIMARY EXAMINER

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